IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE THIRTIETH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 6871 of 2005

Between:

Asma Begum, D/o Mohd. Abdul Hai,
R/o Flat No. 103, Al-Khair Plaza, Asif Nagar, Hyderabad.

..... PETITIONER

AND

1 Moghal College of Education, Bandlaguda, Hyderabad,
rep. by Secretary/Correspondent.
2 A.P. State Council of Higher Education, Rep. by its Secretary,
Government of Andhra Pradesh, Saifabad, Hyderabad.
3 Principal Secretary to Government, Higher Education, Government of Andhra Pradesh, Secretariate, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to pass order or orders or direction more particularly writ in the nature of Writ of Mandamus, declaring the Provisional List issued by the Respondent No.2, vide Letter No. AP SCHE CETS B.Ed, 2003 Min. quota-2004 , dated 31-1-2005 as illegal, arbitrary and declare the petitioner as eligible for B.Ed. One Year regular course with Social Studies subject for the academic year 2003-04 and pass such other order or orders.

Counsel for the Petitioner: MR.AIJAZ AHMED

Counsel for the Respondent Nos. 2 and 3: GP FOR HIGHER EDUCATION

This Court at the admission stage made the following :

ORDER :

The petitioner appeared for EDCET-2003 and secured Rank of 83541. It is claimed that she was given admission into B.Ed. course in the 1st respondent College for the academic year 2003-04 and prosecuted her studies and completed the entire course. However, at the fag end of the academic year, she was informed by the 1st respondent College that she is not entitled to appear for the examinations. The 1st respondent College has stated that the 2nd respondent by letter dated 31-1-2005 has communicated the provisionally approved list of admitted candidates in which the petitioner was shown as ineligible for admission.

Hence, this writ petition seeking a declaration that the action of the 2nd respondent in issuing the approved list of candidates is arbitrary and illegal and consequently to allow her to appear for the examinations scheduled to be commenced from 31-03-2005.

As can be seen from the material on record, the second respondent – Andhra Pradesh State Council of Higher Education by letter dated 31-01-2005 communicated the approved list of candidates and the

same contained only 82 candidates. It was clearly mentioned in the said list that the petitioner was ineligible for admission on the ground that she had secured only 44.4% marks in the qualifying examination. The petitioner does not dispute the fact that she secured only 44.4% marks in the qualifying examination.

It is to be noted that in exercise of the Rule Making Power conferred under A.P. Educational Institutions (Regulation of Admissions and Prohibition of Capitation Fee) Act, 1983, Rules were made under G.O.Rt.No.169, Education Department, dated 5-2-2004 with regard to admission into B.Ed. course. As per Rule 7(c) of the said Rules which provides for eligibility criteria for admission into B.Ed. course, only those candidates who have passed the qualifying examination with an aggregate of 45% marks and above are alone eligible for admission. The said eligibility criteria prescribed under Rule 7 of the Rules is in consonance with the Norms and Standards of the Secondary Teacher Education Programme issued by the National Council for Teacher Education (N.C.T.E.). Rule 3 of the Norms prescribed by the N.C.T.E. states that only those candidates with at least 45% of marks in the Bachelors / Masters Degree in at least two school subjects at the Graduation level are eligible for admission.

In the light of the above rule position and since the petitioner does not dispute the fact that she had not secured the minimum marks of 45% in the qualifying examination, it is evident that she is ineligible for admission. Hence, her admission into the 1st respondent College does not confer any right on her to appear for the examinations. It is always open to her to proceed against the 1st respondent College for damages, if she so chooses. But, no Writ of Mandamus can be issued compelling the respondents 2 and 3 to allow the petitioner to appear for the examinations when evidently the petitioner is ineligible for admission.

Hence, I do not see any justifiable reason to entertain the writ petition. Accordingly, the Writ Petition is dismissed at the stage of admission. No costs.

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30th March, 2005.

Note:- CC by tomorrow.

(B/O)

ghn

To

1 The Secretary/Correspondent, Moghal College of Education, Bandlaguda, Hyderabad,

2 A.P. State Council of Higher Education, Rep. by its Secretary,
Government of Andhra Pradesh, Saifabad, Hyderabad.

3 Principal Secretary to Government, Higher Education, Government of Andhra Pradesh, Secretariate, Hyderabad.

4 Two CCs to the Government Pleader for Higher Education, High Court of A.P., Hyderabad. (O.U.T.).

5. Two CD copies.